

Message Text

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44

ACTION IO-11

INFO OCT-01 ARA-06 EUR-12 ISO-00 IOE-00 ERDA-05 ERDE-00

CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03 NSAE-00 NSC-05

PA-01 PRS-01 SP-02 SS-15 USIA-06 ACDA-05 EB-07 NRC-05

OES-03 FEAE-00 /101 W

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P R 051605Z FEB 76

FM USMISSION USBERLIN

TO SECSTATE WASHDC PRIORITY 1948

INFO USMISSION IAEA VIENNA PRIORITY

AMEMBASSY BONN

AMEMBASSY BERLIN

USERDA GERMANTOWN

AMEMBASSY BRASILIA

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

C O N F I D E N T I A L USBERLIN 0224

E O 11652: GDS

TAGS: AORG, IAEA, PARM, TECH, UR, BR, GW, WB

SUBJ: FRG/IAEA/BRAZIL TRILATERAL SAFEGUARDS AGREEMENT

REFS: A) IAEA VIENNA 822, B) IAEA VIENNA 834, C) BONN 1890

1. FOLLOWING INFORMATION IS PROVIDED TO ASSIST
ANSWERING REQUEST REF A.

2. ALLIED KOMMANDATURA APPROVED EXTENSION TO BERLIN
OF FRG-BRAZIL NUCLEAR AGREEMENT IN AUGUST 1975.
NO SPECIFIC RESERVATIONS WERE MADE IN CONNECTION
WITH THIS EXTENSION BECAUSE KOMMANDATURA FELT
AGREEMENT WAS SUFFICIENTLY COVERED BY BK/O(74)11,
A GENERAL BK/O WHICH EXPLAINED THAT "EVEN IN THOSE
CASES WHERE NO RESERVATIONS ARE LAID DOWN EXPRESSLY
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BY THE ALLIED KOMMANDATURA, SUCH LAWS AND TREATIES

DO NOT AFFECT THE RIGHTS AND RESPONSIBILITIES OF THE ALLIES OR ALLIED LEGISLATION." BK/O(74)11 NOTED SPECIFICALLY THAT NUMBER OF RESTRICTIONS ON NUCLEAR ENERGY AND NUCLEAR RESEARCH ARE INCLUDED AMONG SUCH ALLIED LEGISLATION.

3. NON-PROLIFERATION TREATY AND TRILATERAL AGREEMENT OF APRIL 5, 1973 IMPLEMENTING ARTICLE 3, PARAGRAPH 1, AND ARTICLE 4 OF NPT BETWEEN FRG BELGIUM, DENMARK, IRELAND, ITALY, LUXEMBOURG AND NETHERLANDS, FOR FIRST PART, EUROPEAN ATOMIC ENERGY COMMUNITY FOR SECOND PART, AND IAEA FOR THIRD PART WERE APPROVED JOINTLY FOR EXTENSION BY KOMMANDATURA WITH ISSUANCE OF BK/L(73)24 OF JULY 18, 1973. THAT BK/L PROVIDED THAT W ALLIES HAD NO OBJECTION TO EXTENSION OF BOTH AGREEMENTS "THE EXTENSION OF THESE TWO AGREEMENTS DOES NOT IN ANY WAY AFFECT ALLIED RIGHTS AND RESPONSIBILITIES. NOR IS ALLIED LEGISLATION AFFECTED, IN PARTICULAR BK/O(61) 18, AS AMENDED BY BK/O(67)6, BK/O(72)8 AND THE PROVISIONS OF ALLIED CONTROL COUNCIL LAW NO. 43, WHICH PROVIDE EVEN MORE EXTENSIVE CONTROL OF NUCLEAR ACTIVITIES THAN IS ENVISAGED IN THE AGREEMENTS." KOMMANDATURA ALSO RESERVES "ITS RIGHT TO DETERMINE WHICH AUTHORITIES MAY SPEAK OR ACT FOR BERLIN IN ANY SPECIFIC MATTER ARISING UNDER THE AGREEMENTS."

4. QUICK REVIEW OF DRAFT FRG-BRAZIL-IAEA AGREEMENT REF B SUGGESTS THAT KOMMANDATURA WOULD PROBABLY WISH TO ISSUE BK/L MAKING REFERENCE TO BK/L(73)24 BUT WOULD OTHERWISE RAISE NO OBJECTION TO EXTENSION TO BERLIN. GEORGE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 05 FEB 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976USBERL00224
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D760044-0454
From: USBERLIN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760277/aaaacpnw.tel
Line Count: 93
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION IO
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 76 IAEA VIENNA 822, 76 IAEA VIENNA 834, 76 BONN 1890
Review Action: RELEASED, APPROVED
Review Authority: GolinoFR
Review Comment: n/a
Review Content Flags:
Review Date: 26 MAR 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <26 MAR 2004 by CollinP0>; APPROVED <29 MAR 2004 by GolinoFR>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: FRG/IAEA/BRAZIL TRILATERAL SAFEGUARDS AGREEMENT
TAGS: AORG, PARM, TECH, UR, BR, GE, WB, IAEA
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006